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ON TRIAL BY JURY—ON PACKING JURIES— THE RIGHT, THE WRONG, AND THE REMEDY.

THIS subject was slightly touched upon in No. 12, of this volume, since the publication of which, it has been, for the first time, well introduced to the parliament, by Mr. Hume, in presenting petitions from Mr. John Hunt, the proprietor of the "Examiner" Newspaper, and Mr. J. W. Trust, the bookseller, of 126, Newgate Street, against the powers at present invested in the hands of the Master of the Crown Office, or in reality, in the hands of the Ministerial Prosecutor, to pick and pack his own Jury, or such a one as before, which no Defendant can have a chance of justice or acquittal. It is to be hoped, that as the subject is now taken up by Mr. Hume, he will never lose sight of it until he has overthrown the existing system of packing Juries; or, until the Parliamentary Legislature, as well as the little Legislature, in the Court of King's Bench, declares, that *Jury packing is as just as it is to them convenient.*

Packing of Juries is coeval with the Norman Conquest, and genuine *Trial by Jury* has not existed within that period; though there have been many instances where Juries have made a stand against the designs of despotic power. Such were the Juries that repeatedly acquitted that first and best of English Republicans John Lilburne: such was the Jury that acquitted Penn and Mead: such was the Jury that acquitted the seven Bishops: such were the Juries that acquitted Horne Tooke, Hardy, and Thelwall: such was the Jury that acquitted Dr. Watson: such were the Juries that acquitted Mr. Hone.

Trial, by a Jury of twelve men, is supposed to have been a mode first adopted by the Saxons; but whether first used in this country, or in Germany, no trace remains. It is the institution of a simple people and founded in strict justice, before crooked laws were made, and before more crooked lawyers existed, to entrap the unwary and to condemn the innocent and manly opposer and exposé of tyranny and

robbery. The Hottentot circle, and the Jewish mode of trial at the gate, and before the elders of the City, is, and was, in fact, a trial by Jury; but not upon the same well arranged plan as that of the Saxons, who gave twelve men the power to decide upon the evidence as to the guilt of an accused person, and *one of that twelve the power to acquit if he alone had a doubt of guilt!*

The most admirable part of this mode of trial remains to be stated. The twelve men to form the jury were selected from the nearest neighbours of the accused, they who must know him best, and who must have the means to judge of his motives from their general knowledge of his former manners and actions. Here there could be no prejudice, but that which must exist against a notoriously bad character; and here false accusation could have no chance of success! Such was trial by Jury before the Norman conquest.

Every Briton is now fully sensible that we have not improved our royal dynasty by changing the Stuarts for the Guelphs. There was something open and manly in the despotism of the Stuarts, whilst the Guelphs and their Ministers, profiting by the lesson which the expulsion of the Stuarts afforded them, have learnt how to play parts in the drama of despotism under more subtle, more refined, and more effectual modes; and thus by bamboozling the people, they have escaped, hitherto, the retaliation which a more open despotism would have provoked.

Juries were packed under the reign of the Stuarts, and even under that of the tyrant Cromwell; but they were packed by orders sent openly to the Sheriffs. It remained for the Guelphs and their Ministers to resort to a regular and insidious method of packing, which is now accomplished by presenting to a packing officer, a packed list of names, and a Jury is now formed, where the Crown prosecutes, to all intents and purposes, by the Master of the Crown Office, and the Solicitor to the Treasury! The required, or permitted, attendance of the Defendant, or his Solicitor, is a painful mockery of right, and a wholly pretended useless ceremony. How opposite then is this trial by Jury, to that original and pure method, where a man was tried by twelve of his nearest neighbours, who had every opportunity to know his real character, and to judge of the evidence against him on trial upon the strength of that knowledge?

The first stand made against packing of Juries was by the justly celebrated John Horne Tooke, in the year 1777, He put an advertisement in the public papers, or in a paper, for a subscription to relieve the widows, the orphans, and the

wounded of those persons, who had been fired upon at Lexington, in the United States of America, by the royal troops of that wholesale farmer and butcher, George the Third. This advertisement was called a seditious libel; and so inveterate were the King and his Ministers, of that day, against any thing that spoke in favour of the now independent Colonists, that they not only prosecuted the author, but even the printer and printer's men, who had been employed in the composition of this advertisement!

In attending the Crown Office to see his Jury formed, Mr. Horne Tooke saw through the whole affair; and he struck a blow at the system by the trite observation, that his coming there to see his Jury formed, was a case like a person's putting a basket of rotten oranges before him and telling him to choose any twelve! Nothing could be more candid and complimentary than the conduct of the officers concerned; but they were frank and fair in their manner, upon the certainty, that the list from which the names were selected did not contain the name of a man, that was good, and true, and lawful, in the law sense of trial by Jury. In short, they were like the basket of rotten oranges, the more polite the offer to partake, the more bitter the insult offered and injury intended!

It is singular, that from the year 1777 to 1817, a space of forty years, no complaint was heard, or made, of the manner of packing Special Juries, though so many persons were prosecuted for seditious and blasphemous publications, at the period of the progress of the French Revolution; and as regularly convicted and imprisoned as prosecuted.

In the year 1817, the subject was received by the active and keen Mr. Charles Pearson, acting as Attorney for Mr. Wooler. The activity and perseverance of Mr. Pearson, aided by the eloquence of Mr. Wooler, struck a heavy blow at the system; but the furtherance of the reform was checked by the subject getting into that little Court of Chancery, the Court of Common Council of the City of London, where it has stuck to this day, owing to Mr. Pearson's ceasing to be a member in 1819, or to other causes which I have not been able to ascertain.

I was fully alive to the importance of purifying the mode of forming Juries under my prosecutions, and I prepared a petition to the House of Commons accordingly, in 1819, which was handed to Mr. Waithman, then a member for the City, and one of the Committee of the Common Council for rectifying or enquiring into the abuses of the Jury list. Mr. Waithman put me off with the assurance, that the

matter was in good hands, and would be persevered in with all dispatch; but from that day to this, nothing more has been heard of it in the City Council, and I was duped into silence until it was too late for me to speak.

The same packed list, the same basket of rotten oranges, that was presented to Mr. Horne Tooke in 1777, was with a few additional names presented to Mr. Wooler in 1817! But it was soon demolished by Mr. Pearson. A more extensive list of names was obtained; and the first result was the three acquittals of Mr. Hone!

The Government then took time to get well acquainted with the new list of names, and no more prosecutions were instituted for twelve months. The Master of the Crown Office, who with the old book of names, was the most polite and honourable man living, and would take the names in any manner most agreeable to the Defendant, now began to hunt carefully for *marks*, and *signs*, and *known names*, and would not be *dictated to* by the Defendant; which of itself, is a sufficient proof, that to pack the right men is the grand object, and not a fair trial by Jury.

The acquittal of my Sister on the prosecution of the Constitutional Association, through Murray's ignorance of the character of one man, has been the only acquittal, where sedition or blasphemy has been the charge, and the Jury Special, since the renewal of the prosecutions in 1819; that is, since means have been taken to make the Master of the Crown Office acquainted with his new list of names!

From the year 1817 to the present year, the purification of the Jury list seems to have been lost sight of; no one thinking or caring about it, beyond each of the persons, in their turn of prosecution, making a complaint that was not heeded. Sir Francis Burdett presented a petition to the House of Commons from Mr. Wooler upon the subject last year, which was passed over with complete indifference; no one saying a word upon the matter!

The subject has derived new interest in the present year, from the circumstance, that in Ireland, the system of packing has been turned, and rightly turned, against the Ministers themselves: and with the acquittal of the Orange Rioters by a packed Jury, and the subsequent ridiculous attempt to enquire, or the ridiculous manner of enquiring, into the subject, in the House of Commons, the evil has been unfolded in such a hideous point of view, that all the factions, who riot on the industry of the country, seem anxious to smother the matter, and each to pocket his shame with the best face possible!

The Orange Faction has acted perfectly right as a faction, and has completely triumphed over the Ministers. Their defence is: "You have taught us to pack Juries when you wanted our assistance; and now, you have taken it into your heads to oppose us, we have certainly a right to pack a Jury in our defence!" The Ministers are struck dumb; from the exposure of the extent of their own enormity, and cannot say a word for themselves in reply! They are beaten! They are silent! They have crouched to a notoriously corrupt faction that bids them defiance!

Of all the Parliaments that ever existed in England there never was one so completely disgraced as that which forms the first of the reign of George the Fourth! I doubt much if it will hold another session, and it is remarkable enough, that the first began with the Green Bag Prosecution of the Queen, and the fourth ended in being set at defiance by the secret oath of an Orangeman, and that man notoriously dishonest as a Government contractor! Sir Abraham Bradley King has not only dared the Parliament to attempt the examination of his delinquencies as an agent, but he has spit in their faces with impunity when asked to explain the secret oath of the sect of Orangemen! Oh! Glory to the omnipotence of a British Parliament! Hurrah! For the British Parliament! The British Parliament for ever! Orange Ascendancy over the British Parliament!!!

The attempt to institute an enquiry into the character of the Court of Chancery, may be viewed as another abortion, through the defiance of that English Orangeman, the Lord Chancellor! The Lord Chancellor Eldon for ever! And death to all who want to enquire into the abuses of office! Slavery and plunder for ever! As the Orangemen and Bourbonites shout in reasonance to each other!!!

Mr. Trust was the person to revive the subject of the Jury packing in the present year, by protesting against the mode, and by moving the Court of King's Bench to quash pannel selected. His affidavit made the usual statement of the Master's mode of packing; but the Court would not hear a sentence of argument in support of it, and got rid of him in the most insolent manner, by saying that the master had received the sanction of the Court six years ago in the case of Mr. Wooler! The following is a paper containing the heads of argument intended to have been used by Mr. Trust, and from which the reader may judge of the manner in which the law and the justice of this country are administered:

Because the acts of parliament under which Special Juries are obtained were intended to remove any suspicion which might attach to the ordinary mode of striking Juries in particular instances.

That to contend the Master of the Crown Office has an absolute authority to take pannels in what way he pleases, is to contend that a servant of the Crown, may be substituted for the Sheriff of the county, to name Juries in Crown prosecutions, a power that might as well be lodged at once in the Solicitor of the Treasury, who being in some measure responsible for his conduct, would be more likely to act fairly than the present Master of the Crown Office, who, besides that situation, is a placeman and immediately dependant upon the good pleasure of the Ministry of the day.

That the pretence of the Master that he is impartial affords no ground for a reliance that he will not abuse the power he usurps; and the apology offered for his conduct in some prior instances, by saying, that no corrupt motive can be proved against him, is ridiculous; as an illegal act necessarily supposes a bad motive, and it is not for the party denouncing it, to prove its abstract existence, but for the party denounced to shew that it does not exist.

That there is every rational ground for believing that the Master of the Crown Office is fully aware of the illegality of his conduct: inasmuch as that he was accustomed to nominate Special Juries in a fair and impartial manner; while he was in the possession of a *packed list*, and when it was impossible for him to choose wrong, but that as soon as the packed list was taken out of his hands, and he was no longer sure of finding his old friends by an impartial selection, he began to pick for them in his present manner, which proves in the first instance that if he was right before, he is wrong now; and in the second that he is perfectly aware of the fault he is committing.

That in all prior applications of this sort, the Court have most strangely said, that the custom complained of was of long standing, whereas there are upon the files of the court, a declaration on affidavit of the Master of the Crown Office, that he was never accustomed to strike juries in the manner complained of, until the case of the *King v. Wooler* in 1817, that he had before been accustomed to insert his pen at random, and take such names as it might happen to light upon; but that afterwards he had assumed the right of *selecting* the names where he pleased. It is this new innovation which betrays the unjust motive: for as it ought to be perfectly indifferent to him what persons are on the Jury, so that they are legally qualified, his practice of selecting only such as are agreeable to himself shews to every common comprehension that he has a motive which he dare not avow; but which must be favourable to his political employers and prejudicial to Defendants.

That honest prosecutors on the part of the Crown need no such authority; and that dishonest ones ought not to possess it; but that it is exercised is undoubted; and the length to which it may be carried, may be seen by the affair of the Orange Rioters in Ireland, where their power of packing Juries, delegated to a faction, for the

support of the ministry, has been turned against them, when the views of the faction and those of the ministry happened to differ.

That the notorious abuses of the Special Jury system, which are all to be traced to the illegal authority usurped by the Master of the Crown Office, are sufficiently notorious to be known to every person at all connected with the courts of law. The same persons are continually impannelled; the same faces are continually appearing in the Jury boxes, so that the Master with but an ordinary memory might select a Jury quite as well without his book, as with one; and from the constant exclusion of the great majority of those eligible to fill the situation of Special Jurors; and the fact that Special Jurorship is a profitable avocation to a band of regular traders, it is impossible to believe that fair play is intended in cases of political persecution; and almost impossible that justice should be done.

That in ordinary cases no mischief may arise to the commercial world from this system; but men have been known to lose their employ as Special Jurymen for giving verdicts unfavourable to the Crown: and then coupled with the fact that the Master of the Crown Office is a tenant at will to the ministers in the colonial Audit Office, it is easy to perceive that when a particular verdict is wanted there are ample means of packing a Jury that shall return it.

That it does not follow that this system should be tolerated, if it could be proved that no abuse had resulted from it; because power may be abused, and because such a possibility of abuse reduces to a nullity the boasted bulwark of the trial by Jury.

That the words of the rule of Court which directs the Master to nominate, do not warrant the selection that he makes. To nominate, in its legal sense, must mean to nominate impartially, and clearly in an impartial manner; and any suspicion that this is not done is sufficient to demand the interference of this Court, to preserve not only the due administration of justice but that administration from the slightest taint.

That if the rule of Court directed and authorized the packing of Juries according to the present practice, it would operate against the law; for no law could ever be enacted with a design to corrupt the system instead of amending it: and this would be the case if a limited power to do wrong were taken from the Sheriff, who is a responsible Officer to place an unlimited power in the hands of an irresponsible Officer of the Crown, who may be, as in the present instance he is, a dependant upon the ministers, and who might also be one of its most abject and servile slaves.

That the prior decision against this application do not militate against it; for a thousand decisions that black is white would not alter the relative nature of the colours: and it may be hoped that the bad consequence to which the present system may lead, will induce the Court to put an end to it, lest the reign of George the Fourth become as degenerate as that of James the Second, when Algernon Sydney and others were murdered by the verdicts of packed Juries, in due course of law.

Mr. Trust followed up his protest and ineffectual application to the Court, by a petition to the House of Commons, which set forth the substance of the matter here given with all the facts of his case; and as this part of the business can go no farther at present, I leave it in the hands of Mr. Hume, hoping that he will frame a bill before another Session of Parliament, that shall so regulate the subject so as to make trial by Jury what it originally was in this country, a trial by Peers, that is, by a man's neighbours, who are his equals, and who can best judge of his motives. What twelve of my neighbours in Fleet Street would have said "Guilty" against me? The crowds which gathered round my shop were an injury to some of them; but I never exchanged an unpleasant word with one of them.

No public reprobation can induce the Master of the Crown Office to alter his course of packing. On Tuesday, the 10th instant, Mr. John Jones my late shopman, whose prosecution for the publication of my "Observations on Dr. Gregory's Letters," has now been hanging these eighteen months, attended the selection of his Jury. The following conversation occurred:

Would it not be more fair, Sir, to take the whole of the names as they occur on the page which you accidentally open? No, I have good reasons for not doing so!

It is complete packing to take them in the manner you do:—No, it is not; I take them fairly, and if you know any of them you have the advantage.

No, you do not, Sir, or you would not fear to take them in rotation at any page. You may make what objections you like to the Court, but you must not interrupt me here.

Then will you open the book at random and take the names as they come? No, I tell you positively that I will not.

I suppose that all the persons whose names are in the book are eligible to serve as Special Jurors. No, only those with the word Merchant attached.

But I counted nine merchants on one page and you selected only one from among them!—That may be by accident.

It could not be by accident, it must be design; for you still persist in the same course, and I shall protest against the practice and expose it. You may expose it where you think proper. Mr Jones then handed the Master the following PROTEST:—

In protesting against your manner of proceeding, I have no other object than impartial justice for myself, and others who may be placed in a similar situation.

There are two courses open to you, the just and the unjust,

and you have chosen the latter. You are not my prosecutor; but the Officer appointed to fairly nominate the Jury to try the case between me and the prosecutor. You have substituted *packing* for *nominating*, and consequently, you have assumed the character of prosecutor towards me. I, therefore, against this unjust, wicked, and illegal practice of packing Juries, enter my solemn protest.

To E. H. Lushington, JOHN JONES.

Master of the Crown Office.

The reader will now clearly see, what is the state of the question, as to the formation of Special Juries. The law requires the Sheriff to present to the Master of the Crown Office a list of all the Freeholders of a county, in a county prosecution, and a list of all the Merchants in the City of London, in a City prosecution; but, instead of doing this, the Sheriff contents himself with leaving the matter to his underlings, between whom and the Ministers of the Crown there is a complete collusion and identity of interest, therefore a complete and legal list of persons qualified to serve on Special Juries, has never yet, in any case, been presented to the Master, who, as a Minister of the Crown, is appointed to select. An action would be maintainable in law against the Sheriff, for neglect of duty; but to go to law with any of the administerers of law, or where their interest is at stake, is just like an attempt to kick down a strong fortification with your feet to get at a besieged enemy. Every individual within the citidal of corruption will oppose your progress and wound or destroy you if he can: whilst by your kicking you may injure your feet, but can never reach one of your enemies.

Though it is well to expose all the tricks of the men in power, nothing will ever reform their practices but superior physical force. The exposition of their practices, therefore, becomes a serious duty, as the only means to generate that superior physical force. In the same proportion in which you rouse a cry against the practisers of abuses, you shame them and they will watch well and calculate the moment when it will be more dangerous to proceed than to desist.

The best mode of proceeding to expose the abuse in question, in the fullest manner, appears to me, to be to frame a bill that shall shew what trial by Jury was, and what it ought again to be; and then let the defenders of the abuse say what they can against it. The thing is really simple, like every other thing that is just; for there are no intricacies

and difficulties, but in what is wrong in principle, and unjust in practice.

The whole of Government, which is the whole of legislation and the whole of magistracy that is necessary and useful, is composed of matters, as simple in institution and operation, as the most simple duties that a man has to perform. The great difficulty in the existing systems is, to fathom, to understand, to expose, and to oppose the intricacies, the horrid abuses, and the clashing interests of orders, of families, and of individuals. Nothing exists that has been instituted for the benefit of the community as a whole! Every institution, every kind of law and magistracy in this country has its origin and foundation in partial interests! To reform this by suiting the institutions to the interests of the community as a whole, is all that I know or mean by the word REFORM!

Of the success of this cause of Reform, I never despair for a moment. Whether I read the history of mankind throughout time past, or whether I calculate upon its character, and the force of moral power for the present and future. I see, that *the full exposition of an abuse is its sure destruction*. If sufficiently powerful to bid defiance to all immediate means to reform, those who are oppressed, those who suffer from that abuse, will go on to accumulate the means, either directly or indirectly, either openly or secretly, that shall eventually overthrow it. It is upon this principle, and under this view, that *I calculate the sure downfall of monarchy and priestcraft*. Throughout Europe I see it well exposed, and as well opposed, and I cannot doubt the result. All abuses have no other foundation than human strength and human means, and they define the oppression of the many by the few: it is therefore clear, that as soon as the abuses by which they suffer are made visible to the many, they will work to their overthrow, combining within themselves the greater degree of human strength and human means.

Ability or knowledge greatly influences the scale; but for the present and future, we have the satisfaction to behold, that knowledge preponderates on the side of the oppressed! The oppressor justifies himself in his oppressions, at present, entirely upon the strength of established institutions, and not upon any pretence to superior knowledge! Under this conviction, I hold in scorn the Holy Alliance of despots, even though it has its ramifications in England! I see the probability of that Alliance being scattered in a moment, by the breath of popular revolution; and the further probability,

that such a revolution may burst forth where it is least expected. A successful resistance to despotism in Spain will rouse the popular energy of Europe to a degree that was never before witnessed, and great general good will accrue from the very wickedness of the despots who have directed the invasion of that country. Monarchy and priestcraft, on one side, and popular knowledge, popular industry, and consequent popular liberty, on the other, are hostile principles, between which, there cannot, by any possibility, be any future peace! The war begun must be carried on until the abuses, *the despotisms called monarchy and priestcraft, be destroyed!* No truce, no amnesty, no patched up peace can again take place: War! War! War! Must be the cry, until popular liberty finds no opposition!!!

Packing of Juries is one of the tricks of monarchy and priestcraft and must be destroyed, either in a detached manner, or with others in the lump. It is the British censorship of the Press! The British Inquisition! The British Revolutionary Tribunal! It forms the general Goaler for the honest man, and as general security for the official knave and thief! Instead of trial by Jury being the poor man's security against the power and influence of the rich man's purse; the packing system is the rich man's most sure means of oppression. The poor man however honest and innocent has no chance of justice.

Independent of the manner in which a Jury is formed, our Norman Judges and rulers have introduced the most corrupt practices into the Jury box itself! Juries have been fined and imprisoned for their verdicts! Part of a Jury has often been fined and imprisoned for not agreeing with the other part! The Judges take upon themselves to dictate to the Jury what their verdict ought to be! Often refuse to take a verdict they do not like, and send the Jury back to reconsider it! Lock up a Jury without fire, candle, or refreshment, until they all agree! And even make them follow the Judges, like so many criminals going to execution in a cart, from an assize town to assize town, if they cannot agree before the Judge leaves the place! Strange and illegal as all these things are, they have all been practised!

Now this is all contrary to the original institution and practice of trial by Jury. The Jury ought not to be carted: ought not to be locked up: ought not to be told to reconsider a verdict: ought not to be dictated to, as to what their verdict should be: ought not to quit the Court without giving a verdict, nor even the box in which they first assembled: unless it be an adjourned trial, or for momentary refreshment.

A Jury consists of twelve men, who swear, well and truly to try, the person accused, upon such evidence as shall be brought against him, and upon such answer as he, the accused, shall make to that evidence. Such a Jury once appointed constitutes a power higher than any other power in the country! The twelve men are viewed, and are in fact, an emblem of the whole community! They, a convenient number to perform the duty of trying, are rightly considered as delegated by the whole people of the country, to try the matter at issue between two parties, the accuser of a wrong doing, and the accused of having done wrong. The power delegated to the King himself, is a trivial power when compared with that delegated to a Jury! The King cannot punish any man, but by the consent and authority of a Jury! He may choose whether he will punish or not, after a Jury has given him that power; but he has no choice without that power being first delegated to him by a Jury. A Jury, therefore, to all intents and purposes, constitutes the highest delegated power known to this country! Such is the power such is the excellence of plain and simple institutions!

In finding an accused person guilty, the Jury say by their verdict to the Judge: "We, the people of England, having agreed to live under certain laws, do find, that the accused has been guilty of breaking one of those laws; and we, therefore, consent and authorize you to inflict that punishment which the law has assigned to his particular case." Here the Judge comes in his true character to administer the law; that is, the penalty, which the people, by their representatives, have first consented to impose for the breach of a particular law, and which they now consent to have inflicted upon the individual. This is the true theory of trial by Jury, and ought to be the practice; but monarchical despotism has studiously sought to wrest the practice to an opposite course. It is perfectly outrageous in a Judge to say to the Jury: "you ought to find such or such a verdict." A Jury, who knew their duty and extent of power, would order him to be silent, to keep within the bounds of his office, and to wait for their instructions.

It is a matter of very great importance, that the Jury should not quit their jury box for any consultation about their verdict. Such a retirement has been pronounced, by a celebrated author (David Booth), a second trial to the accused, before a secret tribunal, where he is not allowed to make his defence, nor to be present to give explanations or witness proceedings! The Jury on entering their box, swear well and truly to try, and a true verdict to give, *according*

to the evidence that shall be laid before them. Whilst the evidence is being taken, the trial is going on; but the moment all the evidence has been given, the trial is at an end. The summing up of the Judge is wholly improper: for, by tone and gesture, emphasis, and omission, he may so distort the facts, as to make them appear quite different in their impressions on the Jury, to what they had really received from the oral delivery of the real evidence. This summing up of the evidence, as it is called, on the part of the Judge, is a most infamous practice; and being infamous, must be illegal. Whoever has seen how our modern Judges labour, in Crown Prosecutions, to distort the facts to the prejudice of the accused, can only consider the presiding Judge as a counsel retained for the prosecution. I never look at them in any other light. The Jury ought not to suffer the Judge to speak, but where his opinion is asked; so long as the proceedings are orderly; and there is seldom any disorder but that which the Judges and Lawyers create. The Jury is the highest power in a court of law; and all others ought to be strictly subservient. The Judge presides to regulate forms, to open and close the Court, and to receive and act upon the orders of the Juries. He is, in fact, nothing more than the Chief Clerk or Officer of the Court. He can punish for disturbances; but he ought not to be allowed to say a word, or to take a single step, that can tend, even by possibility, to injure the case of the accused. If he does this in any shape, the accused has not strict justice; but is subject to an unjust influence. His case is influenced by something more than the evidence brought against him; and the Jury are sworn to take cognizance of nothing but the oral evidence delivered in Court. The Jury is even perjured in listening to the summing up and the comment of the Judge upon the evidence.

This point may be carried further. No counsel can have any right to make a speech to prejudice the case of the accused. The Jury are supposed to be men of understanding, and to be capable in themselves of sifting and judging of the evidence: they are also judges of law; and if they have doubt upon a point of law, the Judge, as learned in the law, is a responsible Officer paid for sitting to answer their questions. Now, it strikes me, that the accused is competent to forbid any kind of speech-making to his prejudice; whilst he is entitled, either by himself, or his counsel, to make a speech against the evidence. He is not to be supposed capable of prejudicing his own case; whilst every thing that does prejudice his case beyond the evidence is undue and unlawful.

Suppose a Defendant was to say to an opposing counsel: "I will not allow you to speak. The Jury are sworn to try me by the evidence to be brought against me, and it is my right to overthrow that evidence if I can, by my own words or the words of others. *Your speech is not evidence; and if you have any thing to say, you shall be sworn and questioned as a witness.*" No answer, but that of existing practice, could be given to such an objection; and that practice is an evident violation of the Juryman's oath, if not a violation of the oath of the Judge, who swears to administer the law in justice. I advise the next person accused, who has to take a trial, to make a stand upon this objection. Nothing can be more clear than, that all observations made upon the evidence, otherwise than by, or for, the accused, is putting him upon his trial for something more than the real evidence against him.

The Lawyers will scout this suggestion; but it is a matter of vast import to the people as a whole, that the influence of these Lawyears should be undermined. They have got nearly all the law-making into their hands: whilst, in the joint capacity of Legislators and Lawyers, they make pretty work and havoc with the property and industry of the country; and very often with the lives and liberties of individuals, *innocent individuals!*

There seems to be a natural and a moral antipathy, in the bosoms of all shrewd and honest men, against any kind of connection with a priest, a lawyer, and a physician. We have many old moral ballads in this country, in which the people are recommended to shun all connection with these professions; and some admirable moral tales that are illustrative of the evils that result from employing them. Now, I think, the true state of the case is this, a priest is of no kind of service, unless where his office is calculated to controul ignorance and bad passions, and to guide the individual through a moral path and to a useful life: the Lawyer is of no kind of use but to help you through bad and intricate laws; and then only when you have a purse with something in it, and will allow him to hold the strings until it be empty; you may, by chance, manage to keep yourself out of a Gaol; a physician is of no use, but where ignorance leads people to unwholesome modes of diet, and dwelling, and to unhealthy practices. The remedy for these three professional evils is KNOWLEDGE. *Knowledge* will afford you the power of mind to dispense with the services of the priest, by a proper controul over your own passions; *knowledge* will enable you so to simplify your political and social institutions and laws as

that every man may become his own sufficient lawyer: *knowledge* will teach you so to regulate your mode of living, and so to preserve your health, as to render the assistance of the physician quite unnecessary; and I do really believe, that though, these three have been, and are now considered, the highest professions, *they will be very soon the lowest*. To learn to live without the assistance of the priest, the lawyer, or the physician, is the best moral advice that can be given to a human being: the one will impoverish your mind; the other your purse; and the third your health: for, in either case, your injury is their gain, and among mankind there is no such a principle as disinterestedness. So improve your minds, your purses, and your healths, and take care of yourselves without the aid of priest, lawyer, or physician. This is a moral digression; always justifiable; and always seasonable. The beauty of morality is, that it amalgamates with every thing, and improves and embellishes every thing. Religion would be a terrific principle of the human mind, was it not for the aid and embellishment it draws from morality.

Now as to the right of a Jury not being allowed to quit the Jury box until their verdict be given, I would observe, that as the trial is over the moment the evidence in accusation and defence is all given, the Jury are in duty bound to state their immediate impressions of that evidence. If all say Guilty; the accused is Guilty of course; and there can be no doubt but that the evidence was sufficient to support the charge on the record; but the instant, that any one of the Jurymen says, *I have doubts as to his guilt*, even if it were the first Jurymen to speak; there ought to be no further discussion among the Jury; but an immediate verdict of Not Guilty; that is, *not guilty in the judgment of the whole twelve*. Why else are twelve selected? If unanimity be essential, the smaller the number the better; for the greater the number, the more danger of difference in opinion: and if they do not agree after having heard all the evidence, upon what future principle can their agreement be founded, but that of falsehood and perjury; that is, *a giving up their opinions on one side or the other for their own personal convenience*? If the law insisted upon unanimity, and if morality was regarded as well as the law, it would be dangerous to have two persons to form a Jury. A Jury do not meet, or are not formed for discussion. They are to receive impressions from statements of facts or falsehoods laid before them; and they are to pronounce their immediate impressions from such statements, as to the guilt or innocence of the

person accused. Deliberation cannot even be justified on the part of the Jury. The time to deliberate is whilst the evidence is giving: it cannot be safely done afterwards.

Such is the outline of what trial by Jury is, and what it ought to be. I am sensible, that arguments may be raised against some of the conclusions here made; but none, that would stand before arguments that may be raised in defence. I can now see my own dark ignorance when I was about to stand trial; and having purchased knowledge on this head by an expensive experience, there is nothing I desire so much as to make it useful to others, or to be placed on a similar trial as that I went through in 1819. Trial by Jury has been justly called the great bulwark of liberty: but it should be defined as I have here defined it. *Such trial by Jury as is now practised in this country is THE WORST OF ALL DESPOTISMS.*

R. CARLILE.

Dorchester Gaol, June 15, 1823.

A RESOLVE.

No, no, by the power that has form'd me, I never
Will yield to the priest and the despot again;
I have torn off their shackles and spurn'd them for ever,
And Reason alone in this bosom shall reign.

The tyrant may brandish his axe and his halter,
Proscribing in fury each thought that is free;
But despising his mandates, this day on thine altar
I swear, holy Freedom, devotion to thee.

Superstition may rave, and by dungeon and torture
May strive her lost empire o'er mind to regain;
But knowledge and Freedom I never will barter
For all she can threaten, or all I could gain.

Priest and tyrant I hate, and with deep detestation
Reject all their dogmas, so bloody and fell,
That have spread through the wide world such vast devastation,
And changed this fair paradise into a hell.

Too long have ye triumph'd in fraud and in terror,
Too long have relentlessly prey'd on mankind;
Too long have ye led them in guilt and in error,
Enslaving the body and obscuring the mind.

O could I but live to behold the glad season,
When knowledge and virtue shall cover the earth,
And man follow nought but pure nature and reason,
Nor yield to these demons the rights of his birth.

By all that is lovely, and kind, and benignant,
 By all ye would shrink from, or hope for, or know,
 No longer forbear, but with feelings indignant
 Join the phalanx of wisdom and crush the dread foe.

R. S.

TO MR. R. CARLILE, DORCHESTER GAOL.

SIR,

London.

WHILST I beg your acceptance of my best thanks for the kind attention which you paid to my last, I ought to offer some apology for my present communication, wherein I am aware I have wandered too wide from the question; but you Sir, who are a spirited writer, know how difficult it is to confine the pen that is inspired by a warm imagination. I write as I feel; and when my mind is greatly excited by passing events, like an old hunter who no sooner hears the mellow sound of the huntsmans horn than he involuntarily quits his pasture and joins the chace; irresistibly attracted by the vivifying shouts of LIBERTY! My spirit flies the field of sober discussion, and on the wings of hope, hovers round the spot, in whatever part of the world where the banner of freedom waves! I will stick closer to the point in my next. Hoping to see you and your amiable sister very soon liberated from your dreary abode.

I remain, Sir, your most obedient servant,

A. D.

MONARCHY, OR POLITICAL REFLECTIONS.

(Continued from page 573.)

PART I.

He who erects a throne, digs freedom's grave,
 And he who guards it, is a fool, or knave!
 But he that strives to break oppression's rod,
 And free his country from religious fraud,
 And scorns to shrink, whatever ills assail,
 Deserves applause, e'en though his efforts fail.

IN order to make myself the better understood in contrasting Monarchical, with Republican principles, I shall, by the intervention of personification, make monarchy as much as possible resemble the
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character of an individual and sometimes introduce her in the character of a female. Indeed, I do not see why, a female whose life is a history of vice and depravity, and who is lost to every sense of shame, is not as fit an emblematical sign for modern England, as it was for ancient Babylon!

An entirely abandoned woman is generally opposed to all that is good, and always exceedingly fond of low company, so also is Monarchy! She is opposed to every thing that is rational, just, and liberal, and never so delighted as when her offices are filled, and her commissions executed by base, corrupted, and unprincipled scoundrels! Water is not more opposed to fire, than Monarchy to truth, reason, justice, and liberty: she is opposed to truth, because her bullies or state owls can no more encounter its brilliant rays, than the natural owls can look on the Sun, in all its meridian glory! She is aware, that she is the offspring of violence, fraud, and imposture, she is therefore compelled constantly to have recourse to the same means to keep herself in existence! She employs the most refined arts to make pomp and parade, the most polished sophistry, and the most bewitching eloquence to deceive the millions who daily minister to her pleasures, her luxuries, and her vices! Like an old experienced strumpet, she so varies her falsehoods, so gilds her absurdities, and adds such life to her fictions, that thousands seem charmed beyond expression with the very impositions which she daily practices upon them! Monarchy is opposed to justice, because she knows well that were she once to admit evenhanded justice into her society, the patient, industrious, but oppressed poor, would be better fed, better clothed and better lodged out of what is squandered by her favourites, the proud, and insolent rich! She is opposed to reason; because, was that intellectual light permitted to shine in all its splendour, it would so expose the horrid deformity of the antiquated and almost rotten hag, that she would very soon become the object of detestation to all mankind! That she should at all times discover a deadly hatred to liberty is nothing strange; since wherever liberty is permitted to reign, Monarchy never did, never will, never can exist! Liberty! Enchanting sound! Beneficent goddess! Neither poet, nor painter, ever flattered thee! All the attempts that ever were made to do justice to thy worth and beauty fall short, infinitely short, in the estimation of thy inestimable principles! Thou art as beauteous, as immortal! Neither time, nor change can in the least diminish thy magnetic attractions! Though the whole population of the world have been an hundred, perhaps, a thousand times renewed, men of every country, in every age, have paid their vows at thy shrine, and adored thee as an universal good! Not only the whole human race but all the creatures that live, and breathe, do by their actions, continually acknowledge thee to be the author of their happiness! No rival shall ever rob thee of thy votaries; for thou hast no rival! Thou always wast, and ever shall be the reigning toast! Eternal goddess! Thou art the central sun, round which all the nations on the earth must revolve, to receive their proper portions of prosperity!

Monarchy, on the other hand, like an old harlot, seeing herself daily grow more and more despised, and detested, redoubles her paint, and increases her patches, in order to retain her wished admirers; and is continually lavishing her wealth upon her favourites, and bullies, who scruple not to swear that she is handsomer than ever! This she readily believes, and in the vainness of her heart, believes too that she is immortal, and cannot be annihilated! Although liberty has already rescued two continents from her grasp: and is rapidly preparing the means to emancipate a third!

A partial or ineffectual reform I would thus illustrate: Suppose then, a man, who having a lodging house, has a chamber on the first floor, another on the second and another on the third, occupied by three different individuals, or families, idle, insolent, profligate, and infested with all sorts of vermin; so much that other inmates in the house with the surrounding neighbours all particularly sober, industrious, and cleanly in their persons and apartments, petition the landlord to reform the house, that is, to turn out the one at least, which they consider the worst and dirtiest of his lodgers. Many prayers, remonstrances, and threats induce him to consent to the proposition, and partly by persuasion, partly by force, he succeeds in ejecting the dirty occupant of the lower chamber, and in obtaining one more respectable, who immediately scours, white washes, paints, and decorates the chamber with the most elegant furniture. The petitioners now imagine that their happiness and repose is secure. But no sooner does the warm weather come than the creeping, hopping, and flying population from the dirty chambers descend in such troops, and invade the new garnished chamber so numerous, that its last state is worse than the first, and the whole house again becomes a prey to almost all the plagues of Egypt! Now, if these foolish people had taken the precaution to compel the malignant landlord to expel all three of his dirty tenants and to have let the three chambers to one honest, industrious, cleanly, and respectable family, the peace of the whole house would have been preserved, its daily happiness would have been uninterrupted, and its nightly repose would have been disturbed no more! This then, is the plain and simple case which I have taken to illustrate my argument. Whether the comparison I have here drawn of the character of that reform which the people called Radicals believe to be sufficient for every purpose, be just or not, the reader must decide.

Although public writers are extremely numerous, yet so various, and so contradictory are they in their opinions that scarcely any two among them can be found to breathe the same sentiments. Nevertheless, to a nice observer, there appears a central point, or point of attraction, to which they all steadily adhere. This point of attraction is self interest, which the unthinking multitude too often mistake for love of country.

Self love is the most constant, the most powerful of all the human passions; it is to the mind what an absolute Monarch is to a state, it dictates to, and governs all! It frequently makes an individual

deaf to the cries of humanity, blind to the claims of justice and dead to every principle of philanthropy. It operates thus upon many of those literary traders and trading politicians, who are so much enamoured with the subject of reform, whilst in their hearts they have not the least wish to see a reform accomplished. And for why? Because their patrons the boroughmongers would then be out of office! They would have to lay down their political pens, and seek a more useful occupation, for there would be no party interest to espouse. This is why they constantly recommend to the people to proceed by constitutional means, by legal means, by legitimate means, or any means that they know to be ineffectual to the proposed end.

What are constitutional means, but prayers, supplications, and remonstrances? Has not this humiliating, this degrading system been long enough tried? Has there not been a sufficient number of petitions for reform laid on the table of the House of Commons for experiment? Surely there has! And what has been the result? The Manchester Massacre; the six acts of the Cut-throat Castlereagh; the destruction of the Queen: and an increase of the powers and forces of the two armies of priests and soldiers!

These reflections ought to be sufficient to convince the agricultural as well as the manufacturing people of the absurdity, the folly, and the madness of supposing that such futile and feeble means as prayer, supplication, remonstrance, or any other mental exertion, unaided by physical power, will destroy that corruption which has been so long, and so justly complained of, or induce its defenders to relinquish that usurped power which has its foundation on two standing armies well paid to secure the usurpations of the boroughmongers, and to preserve the "cursed Monarchical principles of the despots of Europe!"

The old triangle or tripartite Government ought to be thus inscribed:



I have placed the armies at the base because they are the grand palladium on which the fate of the other powers depends. The king is a mere pivot, a weather-cock blown about by every wind the boroughmongering Lords and Commons can raise; and the people are merely a part of the soil on which aristocratical pleasures are generated.

Having given a sketch of the Government as it is; I will now sketch what it ought to be.



Here I make the people the base and substance of every thing; for it is they as a whole who generate all property, and all social pleasure; and until they learn not to tolerate any power over themselves, but that which they periodically delegate and can periodically recal, they will know nothing about social order, social happiness, social security, and good Government.

A standing army, such as that on whose bayonets the borough-mongers have not only hung their own fortunes but the fortunes and hopes of their children. is the cradle of despotism; but may ultimately prove its grave. What was it that revolutionized Spain, overturned the old despotic Government, and raised on its ruins a glorious representative system, to the exclusion of all hereditary legislators, to the terror of all tyrannical kings, and to the great mortification of an innumerable host of idle, insolent, hypocritical, and plundering priests? "*the revolt of a few soldiers!*" So says the French minister, Chateaubriand, in a note to Mr. Canning. Now, if the assertion were true, that a few disaffected soldiers had compelled, by force of arms, a whole nation containing more than ten millions of people, to submit to their dictation, and to set up what kind of Government they pleased, without the free consent of the people, France, or any other country would certainly shew its humanity and justice by interfering in such a people's behalf. But, Mr. Chateaubriand only speaks of the first insurrectionary movement, and that too in such a manner, as if that was all that was to be looked at! This requires an explanation, which I will give, by comparing it with a more simple case. Suppose any one member of the English House of Commons, were to make a motion of such a nature, that according to the strict letter of the law, it may be called *sedition*. The majority of the House, instead of instantly causing the seditious member to be arrested and expelled, finally carry the motion into a law. Would any body but a fool charge the first mover with being the whole cause of such a proceeding, and such a result? Certainly not. Neither can we charge the first few revolting soldiers with being the cause of the restoration of the Spanish Constitution. It matters not whether their first movement was seditious or traitorous, or not; the people received them with open arms, and seconded their efforts in restoring *that constitution*, the absence of which had

made the whole nation, at least, the great bulk of the people, the most wretched, and the most miserable people in the world. Although the soldiers were traitors in the eye of the old law, the triumph of the new order of things, which was accomplished by the majority of the people, who could not possibly commit treason against the minority, cancelled for ever, every thing which might have been termed treason, had the people otherwise decided. All power, all authority and all law is annihilated, in the eye of justice, in any country, when the majority of the people of that country shall publicly declare it to be so. After such a declaration, all attempts to oppose by force of arms the rational will would be treason, and all offenders would consequently deserve death at the hands of the majority. What terror must not the boroughmongers feel, who have placed every thing upon the fidelity of the army, if they believe M. Chateaubriand's assertion? Why, at this rate, three or four english regiments might put down both the king, and the aristocracy, and establish a republic on the ruins of the Monarchy, if they were so disposed! What a glorious opportunity is not now offered to France for her deliverance? The whole of her disposable force already in the heart of Spain, the Bourbons, and their Government detested by all who are not paid for their loyalty and the finances of England, of that England which was so lately the scourge of nations, and the terror of the world—destroyed! At any rate, sunk below the war point!

This Government, this once omnipotent Government, is now reduced to the most abject condition! It crouches at the feet of kings who but a short time ago were its hirelings! It prays, it supplicates; remonstrate it dares not! It begs peace upon any terms, but all terms are treated with contempt: the war goes on! What will it do? It now feels that cruel disappointment and bitter mortification which the reformers have so long felt, from the treatment which their prayers and supplications for reform met at the hands of this now humbled Government. It has at last met with a master! It has become the creature of a combination of circumstances which gains ground daily, and is insensibly making it a prisoner in its own citadel! How will it extricate itself? There are only two ways! It must either submit to such a reform as will unite all parties in one common bond of union, reduce the taxes in such a manner that will make the country worth defending, and that would leave to the people a Government of their own choice. In a word, England must very shortly possess a Government round which it shall be the interest, as well as the duty, of every man, and woman in the country to rally, and one which shall by the nature of its organization, be able to call forth, combine, and exert the energies of this rapidly falling nation, to burst the chain of that combination of despots, who are preparing armies in every direction to overturn every constitution in Europe that is not founded on those diabolical principles which they annually proclaim in their European Pandemonium! Or the present Government, which has already betrayed its trust, compromised the independency of the na-

tion, and made itself the laughing stock of the world, must in future govern this ill-fated country, by the protocols which it may annually receive from the King's masters! No longer his allies! And thus fulfil the prediction of a German writer, under the patronage of the Emperor of Austria, who recently observed: "that although England could oppose many obstacles, she must ultimately yield to the combined powers of the continent!" To which I answer, that ill-governed, degraded, oppressed, and enslaved England may yield: but that regenerated, reformed, Republican England, allied with Republican America and Republican France, Spain, and Portugal, shall not yield to the combined powers of the despots of three continents!

(To be Continued.)

Richard Carlile, wishing health and better fortune to Allen Davenport, informs him, that a letter lays at 5, Water Lane, Fleet Street, for him.

THE ANSWER TO THE LORD'S PRAYER, ANTICIPATED.

If the beneficent author of nature paid any attention to the hypocritical prayers of murdering oppressors, public plunderers, false swearers, fraudulent dealers, adulterers, fornicators, sodomites, cut-throats, and a mass of every thing that is mean, vicious, base, and wicked, assembled together in churches and chapels, muttering their indolent and wicked petitions, he would surely strike them dumb! among their numerous hypocritical prayers there is none which shews ingratitude and wickedness, so much as that which is called the Lord's prayer; it proves their God's mercy, that he does not, at least, strike them dumb. Their ignorance leads them to suppose, that by holding their monkish meetings once a week, the sins of the six days are forgiven; and that they may go on in sin as much as they think proper for the ensuing week!

Let us read this Lord's Prayer, and then presume to anticipate the answer. Prayer.—Our Father *which* art in Heaven, hallowed be thy name: thy kingdom come, thy will be done on Earth, as it is in Heaven:

Answer to the rich:—As being the author of nature and every thing that is good: I am the father of all: my Kingdom is the Universe: is already come; has always been! My will be done on Earth, as it is in Heaven, is; that you are all equal; and as I have showered down blessings in abundance upon you all; that, you, the few, will not monopolize the whole to the exclusion of the many.

Answer to the poor:—As you are all my children, do not imitate your rich brethren, by tearing to pieces all who are weaker than

yourselves; therefore cease your hypocrisy: but be you kind and benevolent, one towards another, as I am towards you all.

Prayer:—Give us this day our daily bread.

Answer to the rich:—Ungrateful hypocrites! If I dealt justly with you, I should, at least, strike you dumb. Have I not made the Earth to be always fruitful, to produce in abundance, and that without any care or labour on your part? Have you not consumed your own bread, in abundance, and wasted the bread of thousands who are a thousand times more worthy than yourselves?

Answer to the poor:—Contemptible, cowardly, hypocrites: to ask bread, which I have given you in abundance: have I not given the Earth a prolific, increasing quality; which, with a little labour will produce sufficient for all your wants, and a hundred fold more? Have I not given you strength and genius to enable you to cultivate, and to keep it all amongst yourselves, instead of suffering a lazy, contemptible set of drones, to take the principle, and leave you scarcely enough to keep yourselves alive, to labour for them? Is it not enough that I have supplied all your wants, an hundred fold; that I have given you ability to cause a just distribution of them; but I must come amongst you, and even share out to you those numerous blessings? No: if your ungrateful cowardice will not suffer you to make use of the strength which I have given you, to take your just share; then let plenty be the heaven of the rich, and starvation the hell of the poor, until you make use of the power, and change situations with your lazy oppressors, dealing to every one his just reward according to his merit.

Prayer. And forgive us our trespasses, as we forgive them that trespass against us.

Answer to the rich:—Insolent, impudent hypocrites; this is one proof amongst the many, that you mean nothing by your prayers, but to keep up a monkish, superstitious reverences for your unjust usurpations. Do you forgive trespasses when you pursue a victim to the gallows, for stealing a paltry trinket? when you inflict the greatest punishments for crimes, which, but for your numerous oppressions, they would have never thought of committing? But the time is near at hand, when the poor will have the knowledge and full confidence of their own strength; and if they should then sacrifice the whole of you, they would not be able to retaliate one hundredth part of the trespasses that you have committed against them.

Answer to the poor:—To forgive the trespasses of your oppressors when it is in your power to stop the further trespassing of those trespassers, denotes a hypocritical, cowardly apathy; a crime that you have always been guilty of; but if you had shown more forgiveness to those beneath you, and less forgiveness to those above you, you would then have had some little apology for the forgiveness you hypocritically ask of me: but as you have the means in your own hands, I leave you to your fate; your oppressors will keep trespassing on you, till you can no longer bear them; you will then find your strength, and bear them down till you trespass them into the earth; a reciprocal forgiveness will then take place, and I shall forgive you

all! then will my kingdom come; that will be the reign of justice happiness and peace.

Prayer.—Lead us not into temptation, but deliver us from evil.

Answer to the rich:—Base hypocrites: you wish to impute your numerous crimes to being led into temptation; you ought rather to ask to be led into temptation, that you might shew your fortitude by resisting its allurements. Where man's reason does not teach him to resist temptation, it shews a vicious, depraved appetite. Who leads you into temptation, when with lustful eyes, at your monkish meetings, you are ogling your neighbours wives; and they with equally lustful eyes turned up to heaven, return the ogle, and the adultery is committed before the day is past; or when, you wantonly lay snares to seduce and debauch the innocent; or, when surfeited with all natural enjoyments; you descend so many degrees below the brute-beast; and indulge in unnatural propensities? You can deliver yourselves from evil, by refraining from doing it; if you do not, the people will be led into temptation, to try their strength, when they will deliver you from evil, by depriving you of the power of doing any more mischief.

Answer to the poor:—Reason should teach you not to do wrong, let the temptation be ever so strong.—If temptation should lead you to do good, that is, to embrace the opportunity of overthrowing those who have been long determined on your slavery; if you do not immediately seize the opportunity, you will be deservedly tortured and oppressed to the end of your lives.

Prayer.—For thine is the Kingdom, the power and glory, for ever and ever.—Amen.

Answer to the rich:—Ye selfish hypocrites: you don't care who has the kingdom and the glory, whilst you can have the power and the profit.

Answer to the poor:—The Kingdom is mine, the Glory is mine; the power of destroying the wolves and locusts, I have given to you; until you make use of that power, your labour will be vain: they will destroy the fruits of all your labour. Then, when you shall cease your hypocrisy, and make use of the strength that I have given you; and have courage to destroy all the venomous vermin, then you will for ever after enjoy uninterrupted plenty and happiness, harmony and love; and then, without any sanctified hypocrisy, you may say, Amen.

If the parsons were to make use of their forcible persuasions among their bigotted hearers, to inculcate morality; and particularly to reprobate those different vices, which they well know they are addicted to; such as corruption, fraudulent dealing, sodomy, adultery, &c. to proclaim that such vices are displeasing to God; and that he will not forget the performers of them; it would have some effect amongst the bigots; but, instead of which the bigots fancy that all their actions are right, because they find Mr. Parson is always very willing to share in their vices, their pleasures, and their profits!

A SPITAL FIELDS WEAVER.

TO MR. R. CARLILE, DORCHESTER GAOL.

DEAR SIR,

May 20, 1823.

YOUR esteemed favour of the 12th April reached me in due time. I have a just sense of your generosity respecting the books, had I known that you would have valued the information about Newfoundland I could have enlarged on it. I could have gratified you with intelligence which I have acquired from that unerring source, experience, and which perhaps, few of your correspondents are enabled to do.

I have seen what will verify your assertions as to the absence of religion. The first place I visited in that Island was in a large bay on the South West coast. In this are a great number of smaller bays, creeks, and inlets of the sea, all of which contain inhabitants from one or two to twenty or thirty families. The greatest part of these people were natives, but originally from Poole and its neighbourhood having having all the Dorsetshire dialect. At the time I was there I had occasion to visit many of those places on account of business, and I found that neither priest nor parson had ever been there; nor had any person, that I could find, taken upon himself to perform what is called divine service; notwithstanding the people lived in the greatest harmony with each other, and were as correct in their morals as any other people that have come under my view since that time, which was about thirty-five or thirty-six years ago. I have had recourse to other parts of the Island, nearer St John's, which is the capital, and I found the state of those places the very same, as far as respected the Protestants, or those who knew that their ancestors were Protestants, for the greatest part know nothing about the difference, only by name. There are many places in the Island where the greatest number is composed of Irish, and the descendants of Irish, these are all under the dominion of Catholic priests, who are by far, more assiduous with their flocks than the priests of any other sect. They not only hold fast those whom they call their own, but they labour hard to make converts of others. In St. John's there is always residing a titular bishop of the Catholic persuasion, and the priests throughout the Island are as much under his subjection as any apprentice can be to his master. You would be astonished to see what power and influence those priests have over their flocks. I have had servants, both male and female who would not be tempted to eat a bit of animal food on a Friday for all the wealth of India.

Of late years there have been a few missionaries of the established church sent to the out-ports by the Society for propagating the Gospel in foreign parts; I was acquainted with several of them—the first that was sent out, except the one in St. Johns, who was there before I had recourse to the place, was a profligate character, and had before he left England the appellation of “Buck” prefixed to his surname. He remained there two years, and then came back to En-

gland where he obtained a chaplainship in the navy. In a few years another was appointed for the same place, a medical man by profession—one who had lived a dissolute life for many years in Newfoundland, and having been burnt out by the French, he came to England, and by the assistance of two or three powerful friends who were unacquainted with his private character, he succeeded in getting himself regularly ordained and was appointed by the society above mentioned to preach the gospel in two adjoining districts of Newfoundland with a salary of £100. per. annum, and liberty to practise in his medical capacity. This man had some ability, although a great dissembler. I was well acquainted with him. He was no dissembler with me, for he absolutely told me that he disbelieved the gospel, and that he took up the gown entirely for the sake of the salary. He also spoke often of his disbelief in a personal Deity, and was expressly of our opinion, not only in that particular; but as regards a future state. He took care, however, to preach entirely on morality. He enjoyed the salary three years when his former character was made known to the society by some of his enemies, and he was consequently dismissed.—He was a native of Devonshire; and died soon after his dismissal.—The next that succeeded him was a clergyman from England—he was a famous bird-destroyer—he was seldom without a gun in his hand except when eating or sleeping. I was not much acquainted with him, therefore can say nothing about his moral character. He soon returned to England, and the place (I mean the two districts alluded to) has been for some years past without an established missionary. There are several missionaries residing in different parts of the Island who are paid by the same society and I believe the moral character of the people is still the same as when they had never heard the Christian doctrine preached.

I have given you this specimen of gospel propagators to shew how those pious gentlemen who compose the society are duped out of their money by employing a set of hypocrites who have no religion in their hearts, and whose only aim is to receive and enjoy their salary. The people are as well and as happy in every respect without their company as with it. I am, however, of opinion that it might be of service to have places set apart in all communities, more especially the larger ones for the purpose of reading lectures on morality. Let it be done voluntarily by persons who feel disposed, but let no one be paid for it—then we should find none but men whose characters would bear examination that would attempt to do it. But a good example in the higher classes would in my opinion, be a much stronger argument with the lower orders than all the precepts that ever issued from the tongue, the pen, or the press.

T. A.

Before I received your last letter with the two pamphlets, I had read the "Morning Chronicle" which contained the debate on your Sisters Petition, and a few days since I read the one containing the debate on your own; I have some hopes that Mr. Hume's perseve-

rance will be of service to you both.—But should you not take care how you irritate Mr. Peel; or do you calculate on his not reading what you write? If he does not, perhaps some officious person may tell him. I am pleased with the editors comments although I believe he shews a little of the hypocrite in endeavouring to inspire a belief that he is a Christian himself. I am of opinion that many of the editors of newspaper and magazines are of the same stamp, because as they must be enlightened and well-informed men I know not how to believe them otherwise.

My own periodical readings are at present confined to the News weekly London paper, the Alfred Exeter paper, and the "Monthly Magazine"—they all appear to have liberal and patriotic sentiments, but they are very silent in your cause, particularly the Magazine. With further reference to the debate on your Sisters Petition I must say that I was disgusted with the speech of Tommy Ackland, as he is sometimes called in this neighbourhood. It was fortunate for him that he was not drowned in the great deluge of blasphemy which he says you poured over the land, so that the public would have been deprived of the pleasure of reading any more of his wise speeches; but, jesting apart, I hate to hear a man in his situation prating away in such language as cannot be defined—if the word blasphemy had been erased from our language, I believe your prosecutors would have been puzzled to make out your indictments all that I can make of it is this: that a difference of opinion, and the publishing that opinion is the only thing that hath constituted the crime for which you and many others are now suffering imprisonment—that Sir Thomas Ackland and company have the existing laws on their side, which allow them to publish their own opinions as much as they please, and that disallow the publishing any other opinions not meeting their own approbation on pain of heavy punishment. And when Sir Thomas Ackland and company can prove to me that those laws have received the assent of the majority of the inhabitants of our country I shall think I have reason and a right to obey them, not that I think any man should be restrained from publishing his opinions on any speculative subject, however great the majority may be against him; I only say it is a presumption that no civilized country, if fairly represented would ever submit to such unreasonable law.

In the last "Morning Chronicle" alluded to I observed a ludicrous account of a Bible Society meeting, Lord Exmouth in the Chair. It appears that religion and bloodshed are synonymous terms, the best fighters are the most religious. The vanity of the chairman, of which ingredient I believe he is brim full, appeared to be much gratified by being pointed out as an instance: they seem to have learnt the Bible very well where butchery is taught to perfection.

I was so well pleased with your "Address to Men of Science" that I purchased a duplicate of your cousin J. C. and sent it with one of your "Republican's" containing Mrs. Wrights Speech to a friend of mine in St. John's, Newfoundland who I am certain will consider

it a treat; I have also sent two Catalogues of your publications to him and another, intimating that I know how to procure the books. I expect no answer from that quarter untill about the close of the year, please to inform me the most convenient way of taking in your "Republican" as I intend to commence as soon as I have completed the present volume of my Magazine.

I have seen the letter addressed to you by Mr. Fitton, with your reply—I shall reserve my observations thereon for my next letter, in the mean time

I remain, with much esteem, yours,

T. A.

P. S. As you have taken no money from me by way of subscription, I beg Miss Carlile's acceptance of a crown for her private use I shall leave it with ———.

CRITICAL EXAMINATION OF THE LIFE OF ST. PAUL.

(Continued from page 670.)

CHAP. XIX.

Analysis of the writings attributed to St. Paul.

AFTER having examined the character of St. Paul by his conduct, it will be proper to make some reflections on his writings; they will serve to place in a still clearer light, this celebrated man, to whom Christianity owes so many obligations. If we confine ourselves to those works attributed to him, the Apostle of the Gentiles must have been a very extraordinary compound of discordant qualities, which when united must have produced an inexplicable whole. He himself informs us, that he had within him two men, the new man, and the old man; the just man, and the sinner. He had two bodies, the one natural and the other spiritual; the body of sin and death, and the body of justification and life. He had within him, two laws, which regulated his actions, the law of sin, and the law of justice, the law of the flesh, and the law of the spirit. Never was poor mortal so perplexed and teased, than was our Apostle according to his own account, by these two opposite laws, which he had within himself. The carnal man makes him

say, (see Romans, chapter vii. verse 18, to the end of the chapter.)

In other places the spiritual man, makes him hold another language, he assures the Galatians, that he is one with Christ and crucified with him (see Galatians. chapter vii. verse 19 and 20.) In another place he says to the Romans. "For the law of the spirit of life in Christ Jesus hath made me free from the law of sin and death." It is clear that this duplicity of nature and law in St. Paul as acknowledged by himself is calculated to throw us into much embarrassment. In fact how can we distinguish in his conduct or discourse, that which springs from the old, from that which arises from the new man, or the spirit of life and the grace of Christ? Is it very easy at this time, to determine which governed St. Paul in those moments in which he spoke, acted, or wrote? Perhaps those maxims and dogmas most admired by Christians have been the suggestions of the flesh, the fruits of the old man, and that this old man often influenced his conduct, which, as we have shewn was not at all times free from reproach. In short the acknowledgments are of a nature well calculated to plunge the most firm Christians into uncertainties from which, without supernatural assistance, they will have great difficulty in extricating themselves. These confessions may further serve to shew us the inconsistencies, contradictions, absurdities, the sophistry and superficial reasoning, and disjointed ideas, which we meet with at every page of the writings attributed to St. Paul. It is to be presumed, that it is the Holy Ghost, or Christ, who speaks when he appears reasonable, it would be blasphemous to say or think, that they could talk nonsense: in this case we shall say, that it is St. Paul or the flesh, who speaks, when we find him using bad arguments, extravagancies, and unintelligible nonsense. We cannot imagine that the spirit of God would have made him utter contradictions, or inspired him with a language incomprehensible to those whom he designed to enlighten and instruct by the mouth of this Apostle. In fact, St. Peter himself complains of the obscurities of Paul's epistles, in which, says he, "are some things hard to be understood."*

The distinction which we have just made will enable us to judge of the works of St. Paul, and explain the obscurities which we find in them, as well as the continual variations, which we must remark in his principles. He tells the Galatians that he was angry with Peter, and withstood him to

* 2 Epis. Peter, chap. iii. ver. 16

his face, and that he was offended, with the other apostles, because they temporized and used dissimulation, sometimes advocating the usages of the Jews, and at others the customs of the Gentiles*.

Elsewhere he says (here see 1 Corinthians, chap. ix. ver. 19 to 22.) According to these passages, is it right to temporize, or not? It remains for our doctors to decide which of these two principles has been divinely inspired to St. Paul, and in which of them we ought to imitate this great Saint. Our doctors however are not much in the habit of temporizing with their enemies unless they find themselves, too weak to cope with them.

Our Apostle declares, formally to the Galatians that circumcision, is useless and will avail them nothing, he says the same thing to the Corinthians. Yet we find him circumcising his dear Timothy, and he tells the Romans that circumcision is useful to those who fulfil the law.

He writes to Timothy, that God is the saviour of all men especially of the faithful, which evidently supposes that the unfaithful, will not be excluded from Salvation. He had also said, that God willed that all should be saved. But speaking to the Romans, he will not allow that the gates of Paradise, shall be opened to all the world*.

We should never finish, were we to relate all the contradictions which are to be found in the writings attributed to St. Paul. It is clear that if he be really the author of them, he exhibits himself to us, as a fanatical writer, whose disordered head prevents him from seeing that he is eternally contradicting himself. He says that black is white. He follows only the impulses of a heated imagination; he establishes principles to destroy them immediately; in a word from his want of logic, and the little connexion of his ideas without a most lively faith we should suspect, that he was in a continual state of delirium.

It cannot be denied that this great Saint was of a temperament too ardent to allow him to reason connectedly, or to speak with coolness. The tumultuous ideas which presented themselves in crowds to his brain, did not permit him to put them into any thing like an orderly arrangement; he incessantly wandered from his subject, so much so that an imagination, as warm as his own, is necessary in order to follow him in his flights. Perpetually involved in figures, allusions

* Galatians chap. ii. ver. 11, &c.

* Romans, chap. xi. ver. 7.

and allegories, it is nearly impossible to guess what are his real sentiments. According to his doctrine he appears to establish in the strongest manner the dreadful doctrine of absolute predestination and reprobation. According to him God grants grace to whom he pleases, and whom he pleases he hardens. If we demand how this doctrine can be reconciled with the goodness and justice of God; or how a God who operates in man the will and the deed, can be offended with the wills and actions of men? He extricates himself by asking if the vessel shall say to him who made it, why hast thou fashioned me thus? Thus St. Paul, and after him all Christian doctors, explain the conduct of a God, whom they pretend to love, at the same time that they hold him up as a tyrant, who is not accountable for his most unjust caprices, and despot-like is restrained by no rule!

St. Paul being divinely inspired should have taught us something of the nature of the soul, an object which so embarrasses all philosophers who not being illumined from above, have formed ideas upon this subject, so much at variance with those of our Christian doctors. But far from throwing any light upon this important matter, our Apostle, who appears strongly tinctured with the platonian philosophy so universally taught in his time, disinguishes the body, soul and spirit, and thus obscures the thing still more. But it is the essence of theology to confound every thing, and the interest of theologians to plunge mankind into a labyrinth, from which nothing but faith can extricate them.

(To be continued.)

THE TRIAL of WILLIAM TUNBRIDGE, into which will be introduced the whole of PALMER'S PRINCIPLES OF NATURE, will commence publishing in sheets at Three pence each immediately. Two or three sheets will be ready by the first of July.